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18 Attorneys for Plaintiffs RUTHELLEN HARRIS, INDIVIDUALLY AND AS PERSONAL  
19 REPRESENTATIVE OF ROBERT JEAN HARRIS, HEATHER HARRIS, JAMIE HARRIS AND  
20 GREG HARRIS

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 RUTHELLEN HARRIS, INDIVIDUALLY AND ) Case No.: C 10-04626 CW  
24 AS PERSONAL REPRESENTATIVE OF )  
25 ROBERT JEAN HARRIS, HEATHER )  
26 HARRIS, JAMIE HARRIS AND GREG )  
27 HARRIS, )  
28 Plaintiffs, )  
29 vs. )  
30 COSTCO WHOLESALE CORPORATION, )  
31 WAREHOUSE DEMO SERVICES, INC., )  
32 CARGILL MEAT SOLUTIONS )  
33 CORPORATION, FRESH CHOICE )  
34 INTERNATIONAL, LLC and DOES 1-100, )  
35 inclusive, )  
36 Defendants. )  
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**ORDER GRANTING LEAVE TO FILE FIRST  
AMENDED COMPLAINT**

Date: March 17, 2011  
Time: 2:00 P.M.  
Courtroom: 2 (4<sup>th</sup> Floor)  
Honorable Claudia Wilken

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[PROPOSED] ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT

1 On March 14, 2011, Plaintiffs Ruthellen Harris, individually and as personal  
2 representative of Robert Jean Harris, Heather Harris, Jamie Harris and Greg Harris ("Plaintiffs")  
3 submitted Plaintiffs' Notice of Motion and Motion for Leave to File First Amended Complaint  
4 ("Motion"). Attached to the Motion as Exhibit 1 was Plaintiff's First Amended Complaint.  
5 Plaintiffs' First Amended Complaint adds the defendant Quantum Foods, LLC ("Quantum").  
6 There are no other changes in the First Amended Complaint. The causes of actions and  
7 allegations remain the same.

8 Attached to the Motion as Exhibit 2 was the Stipulation to File First Amended Complaint  
9 ("Stipulation"). The previously-named defendants Costco Wholesale Corporation, Warehouse  
10 Demo Services, Inc., Cargill Meat Solutions Corporation, and Fresh Choice International, LLC  
11 ("Previously-Named Defendants") have stipulated to the joinder of Quantum in this matter. The  
12 Stipulation is executed by all Previously-Named Defendants in this matter.

13 No undue delay, bad faith or dilatory motive is evident on the part of Plaintiffs in regard  
14 to the Motion, and the amendment is not futile. There also is no undue prejudice to new  
15 defendant Quantum or the Previously-Named Defendants.

16 For these reasons, Plaintiffs' Motion for Leave to File Amended Complaint is  
17 **GRANTED** and **Plaintiffs' Amended Complaint attached to the Motion as Exhibit 1 is**  
18 **deemed filed.**

19 The Rules provide at Federal Rules of Civil Procedure, Rule 15 (a) (3) that defendant  
20 Quantum Foods, LLC shall have fourteen (14) days from the date the First Amended Complaint  
21 is served to file its answer. The amendment is not likely to affect Previously-Named  
22 Defendants' Answers previously filed in this matter. In the event that Previously-Named  
23 Defendants elect to file an Answer to the First Amended Complaint, they are bound by the  
24 requirements of F.R.C.P., Rule 15 (a) (3) that the answer must be filed within fourteen days of  
25 the date the First Amended Complaint is served. If the Previously-Named Defendants choose  
26 not to do so, their respective Answers already filed will be deemed their Answer to the First  
27 Amended Complaint.

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[PROPOSED] ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT

1  
2 Dated: 4/26/2011

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4 By:

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9 Honorable Claudia Wilken  
10 District Court Judge  
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**CERTIFICATE OF SERVICE**

I certify that on March 14, 2011, the attached [Proposed] Order Granting Leave to File First Amended Complaint was filed electronically. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system, including counsel listed below. Parties may access this filing through the Court's system.

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Respectfully submitted:

Date: March 14, 2011

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